HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WAVMP No. 3779 of 2005

and

Writ Appeal No. 1946 of 2005

Between:

The Commissioner/Director of

Technical Education, BRKR Buildings,

A.P. Hyderabad.

…Appellant.

And

Sri Venkateswara College of Pharmacy

Represented by its Secretary & Correspondent

P.S. Patnaik and others.

…Respondents.

:: ORDER::

Counsel for the appellant : G.P. for Higher Education.

Counsel for respondent No.1 : Sri V. Hariharan

-

February 2, 2006

WAVMP No. 3779 of 2005 in WAMP No. 3471 of 2005

and

W.A. No. 1946 of 2005

Per G.S. Singhvi, CJ.

This is an application by Sri Venkateswara College of Pharmacy (writ petitioner) for vacating interim order dated 6.10.2005 passed by the Division Bench in WAMP No. 3471 of 2005 vide which operation of order dated 25.8.2005 passed by the learned Single Judge in WPMP No. 22675 of 2005, directing the appellant and the State Board of Technical Education and Training, Andhra Pradesh, Hyderabad to allot candidates to the writ petitioner-College, was stayed.

We have heard learned counsel for the parties at some length. Sri V. Hariharan made serious efforts to persuade us to vacate the interim order by stating that even at this belated stage, the applicant will be able to organize classes for the candidates who may be admitted to the Pharmacy Courses. He then submitted that the difficulty, if any, in the completion of course can be solved by the Pharmacy Council to which his client is prepared to make representation.

We have considered the submission of the learned counsel but have not felt impressed. In our opinion, there is no valid ground or justification to allow the applicant to admit students in the midstream of the courses which commenced in the month of July 2005. We cannot be oblivious of the larger interest of the student community and permit the applicant to create a situation in which the career of the students is jeopardized on account of midterm admissions.

The Supreme Court has repeatedly deprecated the practice of granting midterm admissions and issued directions against any midterm admissions in medical courses as also engineering courses. By adopting the ratio in **Medical**

Council of India, Petitioner vs. Madhu Singh and Mridul Dhar vs. Union of India, we hold that the applicant cannot be allowed to make midterm admissions.

At this stage, learned counsel for the parties made an agreed statement that the Court may direct the learned Single Judge to dispose of the main writ petition.

Although we are not inclined to issue any direction to the learned Single Judge to decide the writ petition, we feel that ends of justice would be met by making a request to the Single Bench to entertain the prayer made by the counsel for the parties for out of turn hearing.

In the result, writ appeal is disposed of the following terms:

i. The prayer made by the applicant for vacating interim order dated 6.10.2005 passed by the Division Bench in WAMP No. 3471 of 2005 is rejected. Consequently, that order shall remain operative till the disposal of the writ petition; and

ii. Learned counsel for the parties may make a joint request before the learned Single Judge for out of turn hearing of Writ Petition No. 17804 of 2005. We hope and trust that any such request would be liberally entertained by the learned Single Judge and effort would be made to finally dispose of the writ petition by the end of March 2006, so that the parties may finally know their fate.

G.S. SINGHVI, CJ.

G. BHAVANI PRASAD, J.

February 2, 2006.

MVB/vtv